

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PAMELA THAYER-BALLINGER,)	
)	
Plaintiff,)	
)	
vs.)	Cause No. 1:11-cv-745-WTL-TAB
)	
UNITED STATES POSTAL SERVICE,)	
)	
Defendant.)	

ENTRY ON DEFENDANT'S MOTION TO STRIKE JURY SETTING

This cause is before the Court on the Defendant's motion to strike jury setting. Dkt. No. 53. The Plaintiff has not responded, and the time for doing so now passed. Accordingly, the motion is ripe for ruling.

Plaintiff Pamela Thayer-Ballinger claims that her former employer, Defendant the United States Postal Service, violated of the Indiana Wage Payment Statute by not paying her wages on demand. Congress has provided a general waiver of sovereign immunity for suits against the Postal Service in the Postal Reorganization Act ("PRA"). 39 U.S.C. § 401(1) (granting Postal Service power "to sue and be sued in its official name"). However, "when the government has waived its sovereign immunity, a plaintiff has a right to a jury trial only where that right is one of the terms of the government's consent to be sued." *Holmes v. Potter*, 384 F.3d 356, 362 (7th Cir. 2004) (quotation marks and citations omitted). The PRA does not provide for trial by jury. *In re Young*, 869 F.2d 158, 159 (2d Cir. 1989). Accordingly, the Defendant's motion is **GRANTED**.

SO ORDERED: 06/24/2013



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic communication.
Copies by United States mail to **Pamela Thayer-Ballinger**
P.O. Box 298
Fort White, FL 32038